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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,714	09/21/2005	Sven Kageler	3412	6375
7590	09/01/2006		EXAMINER	
Striker Striker & Stenby 103 East Neck Road Huntington, NY 11743			FANTU, YALKEW	
			ART UNIT	PAPER NUMBER
			2838	

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

EF

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/550,714	KAGELER ET AL.	
	Examiner Yalkew Fantu	Art Unit 2838	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 September 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-11 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 21 September 2005 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>09/21/2005</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1 lines 2, 7, and 10, the phrases "preferably" "in particular", or anywhere else they appear in the claims, (see claims 7,9) render the claims indefinite because it is unclear whether the limitation(s) following the phrases are part of the claimed invention or are exemplary. See MPEP § 2173.05(d). Also, in claim 1, the phrase "the perpendicular" is not clear since it is not known to which part of the device "the perpendicular" refers. For claim 10, "the housing structure" lacks antecedent basis so it is unclear since there is a housing also introduced earlier. In claims 10-11, "the casing halves" or "the casing half" lacks antecedent basis so the claims are unclear. Claims 2-5, 7-9 are rejected since they all are dependent on rejected claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Bhagwat et al (US 4,835,410).

Regarding claim 1, Bhagwat et al (hereinafter Bhagwat) discloses a cordless screwdriver (fig. 1, 10; col. 1, line 42) having a housing (fig. 1, 20), having a handle (22), in Particular one that is angled in pistol fashion (see fig. 1), having a preferably permanently installed rechargeable battery (26), having charging contact tabs (fig. 6, 42, 44) for charging the rechargeable battery (fig. 1, 26), and having an output spindle (14), wherein the wireless screwdriver (10) has a lithium-ion (Li-ion) cell (col. 1, lines 15-24 describes about the high density battery cells, which lithium ion is one of them) as its rechargeable battery (26) and is able to be placed onto a charging cradle (fig. 3, 40; see also fig. 4) for an unlimited amount of time, in particular during pauses between uses; the charging mode is automatically initiated and in it (when the ac is plug in), the cordless screwdriver (10; col. 1, line 42), with regard to its output spindle (14) is positioned on the charging cradle (40) so that it is inclined, in particular by approximately  $30^{\circ} - 45^{\circ}$ , in relation to the perpendicular and the end of the output spindle (14) points downward (the output spindle can be inclined in a perpendicular relation as closes as to the approximated degree).

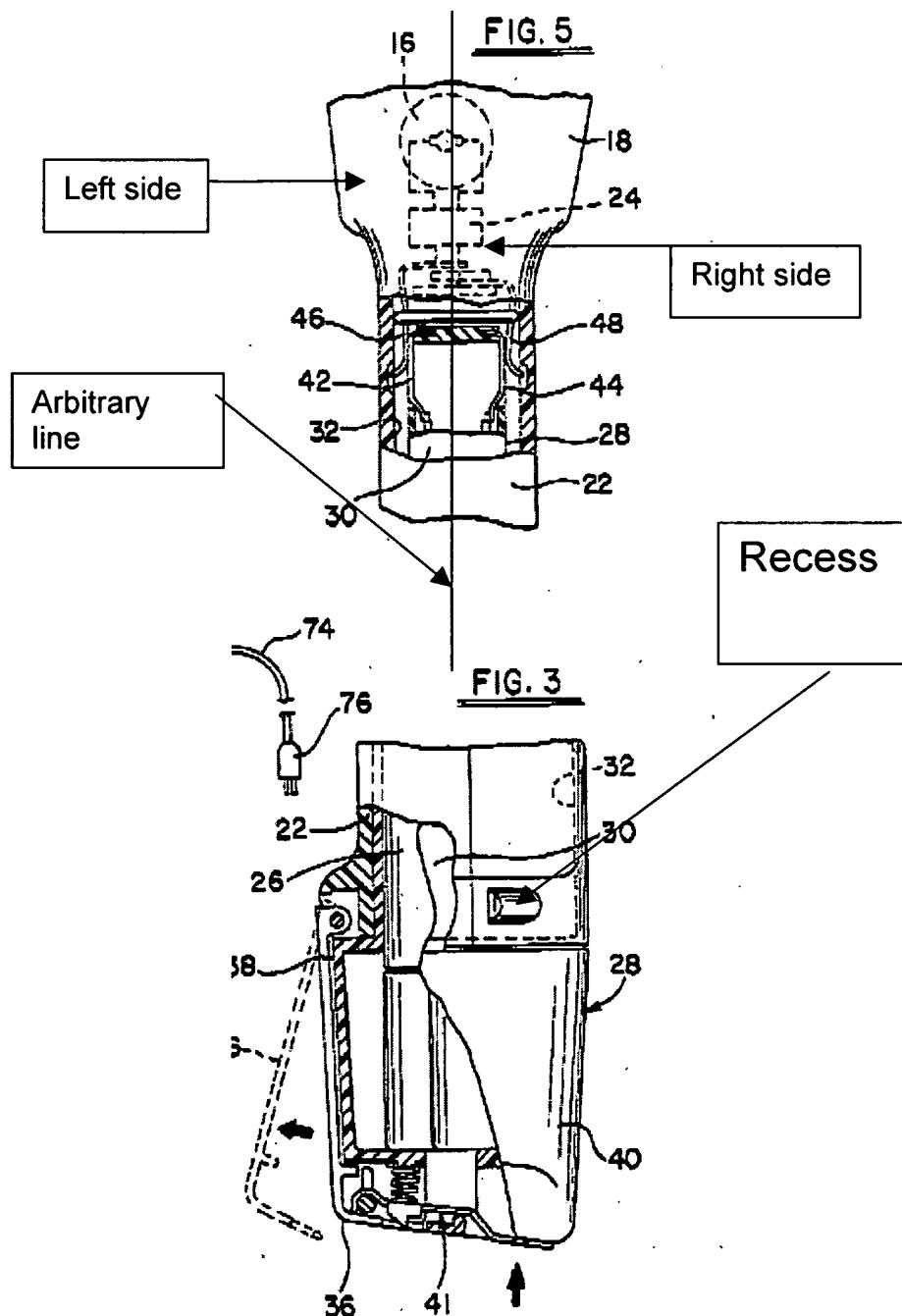
With respect to claim 2, Bhagwat discloses in the charging mode, the handle (22) protrudes out far enough from the charging cradle (40) to permit a hand to easily grasp it from underneath and/or reach all the way around it in order to remove the cordless screwdriver (10).

With respect to claim 3, Bhagwat discloses the charging contact tabs (fig. 5, 46 and 48) protrude outward through lateral slots (a gap in between 46 and 48) at the lower end of the handle (22) on both sides of the dividing plane (arbitrary line that goes downward through the center of 16 in fig. 5; see also the fig. Below, "Arbitrary line") on the side of the inner angle and in the charging mode, engage with charging contacts (42, 44) of the charging cradle (40) without requiring the attachment of a separate cable or plug connector.

Regarding claim 4, Bhagwat discloses each of the slots and a recess (see below fig, "recess") surrounding the slot is situated in one of the casing halves (left and right side of the arbitrary line; see the figure mentioned below), spaced equidistantly apart from the central plane (arbitrary line that goes downward through the center of 16 in fig. 5; see figure below).

With respect to claim 5, Bhagwat discloses the cordless screwdriver (10) rests with the recesses (33) in its handle (22) covering the resilient charging contacts (42, 44) of the charging cradle (22) and by engaging over them, is secured against an undesired detachment from the charging cradle (40).

With respect to claim 6, Bhagwat discloses the top of the charging cradle (40) has beds (28) to accommodate the cordless screwdriver (10) that correspond to an imprint of the outer surfaces of its inner angle enclosed by the handle (22) and the motor housing (18) and transmission housing (20), at least one of the beds (28) extends at an inclination of less than 90<sup>0</sup> in relation to the perpendicular (angular relation of 28 to a perpendicular line is less than the degree measure of 90).



With respect to claim 7, Bhagwat discloses the handle (22) protrudes in wedge fashion into the bed (28) of the charging cradle (40) with only its on/off button (26) and the handle (14) itself to protrude up from the charging cradle (40) and is only minimally inserted into the bed (28).

With respect to claim 8, Bhagwat discloses it is possible to place the charging cradle (40) in a stable fashion on a flat, in particular horizontal, supporting surface (the base of the cradle 40 is horizontal), without having to mount it in place or hold it when removing the cordless screwdriver (10) (the cordless tool place in the cradle without mounting it).

With respect to claim 9, Bhagwat discloses the on/off button (24) extends over virtually the entire length of the handle (22) and, with a short actuation stroke of 1 to 5 mm, preferably 2 mm, it is possible to actuate it to switch on at any point along this length (for the length of the ON/OFF button of 24).

With respect to claim 10, Bhagwat discloses a circuit board (fig. 7), which serves to accommodate electrical contacts (fig. 7, 74) and control elements, extends lengthwise in the handle (22) and - held in clamp fashion by means of the casing halves (left and right side of the arbitrary line; see the above figure; "Left side" and "Right side") of the housing (20) - serves to stiffen the housing structure.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bhagwat et al (US 4,835,410) in view of Somers et al. (US 4,983,080).

With respect to claim 11, Bhagwat et al. discloses a cordless screwdriver with each side of the case half as set forth above in the 35 USC 102 (b) rejection, however does not disclose expressly the handle that has a rubber covering.

Somers et al, on the other hand, discloses a handle made of rubber (col. 1, lines 58-60), which is used to retain the handle in the slot. It would have been obvious to one skilled in the art to use a rubber covered handling tool.

Bhagwat et al and Somers et al are analogous arts because they are from the same field of endeavor namely power tool.

At the time of the invention it would have been obvious to a person having ordinary skill in the art to provide a tool handling covered with rubber as taught by Somers et al to the cordless system for power-operated devices of Bhagwat et al. to ensure the safe handling means for the tool.

The suggestion for doing would have been that the use of rubber to cover the handle prevents from electrical shock of a loose connection.

### **Conclusion**

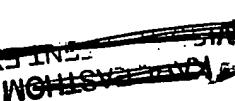
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Takano et al (US 6566843) and the Sakoh et al (US 6229280) references respectively teach a cordless power tool with a protrusion and a recess, and terminals mounted on the inner surface to establish electrical contact.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yalkew Fantu whose telephone number is 571-272-28928. The examiner can normally be reached on M - F; 7- 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Karl D. Eastom can be reached on 571-272-1989. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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